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Mr. Bambridge's CASE against the Bill now depending, to disable him to hold or execute the Office of Warden of the Prison of the Fleet; or to have or exercise any Authority relating thereto.

THAT the said *Bambridge* had no Concern in the *Fleet* Prison, as Deputy or otherwise, till the 24th Day of *June*, 1727.

THAT on the 30th of *September* last, he was appointed Warden by Letters Patent under the Great Seal of *Great Britain*.

THAT upon a careful Perusal of the said Bill he cannot discern one single Crime charged upon him since his Admission into the said Office, or before; or any positive Charge whatsoever against him, and therefore he must needs be at a loss to know how to apply his Defence.

THAT under this Difficulty he hath with all possible Strictness examined into his own Conduct, since his first Concern in the said Office, and likewise diligently inquired after all the Complaints that have been made against him relating thereto, and hopes he shall be able to make it appear, that those Complaints are as groundless, as he is conscious to himself that, with regard to the said Office, he hath done no more than his Duty.

THAT as to permitting willful Escapes, he hath not been able to discover above six Instances alledged against him; which were the Cases of *David Boyce*, *William Booth*, *William Kilbury*, *William Tayleur*, *James Barnes*, and *Thomas King*: And as to the three first, he positively denies, that he permitted them, or either of them, to escape; that he had no Custody over them, or either of them, till after the Commencement of his Letters Patent as aforesaid; and is positive, that neither of them have made any Escape at all since. And as to the three latter, they never were in his Custody.

THAT as to any Breach of Trust, he hath not, upon the most diligent Inquiry, been able to discover any Complaint against him, unless upon account of the supposed Escapes abovementioned; nor doth he know, nor hath he heard, of any Crime, or Misdemeanor, complained of against him, save such as are hereafter mentioned, and answer'd by him.

THAT as to the Charge of putting *Jacob Mendez Solas* into Irons, it was done before *Bambridge* was either Warden, or Deputy, or had any Concern in the said Prison, and happened upon this occasion. *Solas* being greatly indebted for Chamber-Rent, Mr. *Guybon*, the then Deputy-Warden, had caused him to be dispossessed of his Room for Non-Payment. Whereupon *Bambridge*, on *Solas's* Behalf, applied to *Guybon* to restore him; *Guybon* refused, urging it as a Reason, that upon *Solas's* being first turned out of his Room, he had repossessed himself by Force, and had armed himself with Pistols to shoot any one that should oppose him; soon after, *Bambridge* seeing *Solas*, and intending to expostulate with him about such Misbehaviour, called him to him; upon which some Servant of the then Warden's took that Opportunity and seized him by the Arms, and two loaded Pistols were taken out of his Bosom; whereupon *Guybon* order'd him to be put into Irons, as an ungovernable Person, where he was kept, by the Approbation of Mr. *Huggins*, 'till some of his Friends undertook for his future quiet Behaviour, and then he was released; and upon paying to *Daniel Hopkins* Part of the Arrears of his Chamber-Rent, for Mr. *Guybon's* Use, was restored to his Room; but since *Bambridge* hath been admitted, he hath been so far from terrifying *Solas*, that he hath treated him with all possible Civility.

THAT as to the Case of Capt. *John Mackpheadris*, that likewise happened before *Bambridge* was either Warden, or Deputy, and was thus: There was a great Riot and Mutiny in the Prison: About 80 or 100 Prisoners, headed by *Mackpheadris*, having entred into a sort of Association, to pull down several Partitions within the Prison, and not to suffer any of the Servants of the Prison to interrupt them, or to come within the Prison; *Bambridge* happen'd to dine that Day with Mr. *Huggins*, to whom an Account thereof being then brought

brought, he, in regard that Mr. *Guybon* was in an ill State of Health, desired *Bambridge* in the Evening to see that all was quiet. And *Bambridge* going accordingly to see the Common-side Gate lock'd, was observ'd by *Mackpheadris* and some of his Party, who came up to *Bambridge*, and attack'd him, and would have murder'd him, if Lights had not been brought in, and he rescued from them. Next Morning *Bambridge* acquainted Mr. *Huggins* with what had pass'd, who thereupon desired *Bambridge* to go and procure a Guard (as had been usual in such Cases) to prevent further Mischief; and to order *Guybon* to have *Mackpheadris* put in Irons, which was done accordingly.

THAT all this Mutiny and Riot was originally occasioned by *Mackpheadris's* Non-Payment of Rent to *Guybon*, wherein *Bambridge* had no Concern or Interest. That *Bambridge* neither insulted nor tortured him; and he was so far from being tortured, that upon his representing that the Smith, in rivetting one of the Irons, had jarr'd his Leg, 'twas instantly taken off, and only one single Iron continued; and upon his reconciling himself to Mr. *Huggins* and *Guybon*, that likewise was taken off, and he restored to his Room.

THAT as to the Affair of Sir *William Rich*, it happen'd in *Bambridge's* own Wardenship: He had been a Prisoner in the *King's-Bench*, and came over without any other Cause than to do *Bambridge* a Mischief: He was brought to *Corbet's*, and propos'd to return in a few Days, but staid there above three Months, and having no Opportunity to accomplish his Design he grew so troublesome, and committed so many Disorders, that *Corbet* would keep him no longer, so he was carry'd into the Prison, where he had no sooner enter'd than he stabb'd one of the Keepers for the Night three several times; and the next Morning, *Bambridge* going civilly to expostulate with him, was stabbed by him in the breast with a Shoemaker's Paring-Knife, provided on purpose, without any other Reason or Apology for so doing, than *Damn you take that to your Heart*: Upon which he was put in Irons.

THAT as to the Cause of putting Capt. *David Sinclair* into the strong Room, it happen'd thus: *Bambridge*, on the first Day of *August* last, being then Deputy-Warden, and merrymaking with some Friends at *Corbet's*, about 12 at Night sent one of his Officers into the Prison to see if all things were quiet, who soon after returned and told *Bambridge*, he had Intelligence that a Prisoner, in Execution for 10000 *l.* and upwards, was designing an Escape, he having that Afternoon sent away several Trunks; upon which the Officer was sent back, with Orders to patrol the Prison for an Hour, and to observe what pass'd; and upon his Return between One and Two, he inform'd *Bambridge* that the said Prisoner was up without a Candle, and that all or most of the Prisoners were quiet and in Bed, except in *Sinclair's* Room, which was adjoining and near the Apartment of the Person whose Escape was suspected; thereupon *Bambridge* prevailed with his Friends to go with him into the Prison, and seeing a Light in *Sinclair's* Room, and hearing a great deal of Noise there, he desired them to stay in the fore Yard, whilst he went up Stairs to see what was doing at that unseasonable Hour. Upon his entering the Room where was *Sinclair* and five or six others, and civilly asking if they thought it not a reasonable Time to be in Bed; *Sinclair* resent'd *Bambridge's* coming into the Room, or concerning himself with their Behaviour, and, without any other Provocation, immediately insulted *Bambridge*, collar'd, struck, and kick'd him, till the Watch came in to his Rescue, and convey'd *Sinclair*, for such his Misbehaviour, to the strong Room, where he continued intoxicated with *Geneva*, *Punch*, and other spirituous Liquors, for three or four Days, refusing all manner of Accommodation; but as he became soberer, he was removed from thence to the Room of one *Kilbury*, which he has ever since retained, and keeps to his own Use, without any manner of Consideration whatsoever.

THAT the said *Sinclair* from the very first of his Commitment behaved in a very turbulent, disorderly Manner; and altho' *Bambridge* had continual Complaints against him, for his riotous Behaviour, and perpetually incommoding his Fellow-Prisoners: Yet *Bambridge* was so far from improving any Difference upon such Complaints, that he always endeavour'd, in the most courteous Manner, to dissuade him from those offensive Practices, well knowing that the said *Sinclair*, by all Means, sought to create Disturbances in the Prison.

THAT *Bambridge* has been complain'd of for destroying Prisoners for Debt, of which two Instances have been given; the one in the Case of *Robert Castell*, and the other of *John Holder*. As to *Castell*, *Bambridge* and he lived with the utmost Friendship to each other. On the 22d of *October* last, as *Bambridge* was going to Bed, *Castell* came, accompany'd with others, to acquaint him, That his Bail were there to surrender him: Whereupon *Bambridge*, to oblige *Castell*, with great Persuasion, prevailed upon the Bail to forbear for some Days. About ten Days after, the Bail came a second Time for the same Purpose, and were again dissuaded from it by *Bambridge*. At length, on the 14th of *November*

venner, they came and surrender'd him to the Tipstaff, without *Bambridge's* Privity. That neither *Bambridge* nor *Castell* knew any thing of the *Small-Pox* being there at the Time of the Surrender; that there had been but one sick Person there, and he actually recovered before it was known to either of them, nor was he ever seen by *Castell*, who was so far from thinking himself injur'd by *Bambridge*, that he afterwards requested him to accommodate several Affairs for him, which was done accordingly; and whilst *Castell* was continually acknowledging *Bambridge's* Civilities, and soliciting to get new Sureties for the Rules, and *Bambridge* still continuing to do him several Services, he was taken ill of the *Small-Pox* and died.

THAT as to *Holder*, he was a Person of very ill Behaviour, and so far from having any Effects of Value, that he was very poor, and maintain'd by his Relations. He lay in Prison several Years for a Debt of 70 or 80 *l.* and was dispossest of his Room for Non-Payment of Rent; but upon the Application of his Friends was restored, and some Time after was taken ill of the Strangury and dy'd. *Bambridge* being inform'd that *Wilson* and *Piggot*, two Prisoners of ill Fame and Behaviour, had caused some of his Effects to be removed, he did, as he thought it was his Duty, acquaint therewith *Charles Holder*, Esq; Brother to the deceased, who took care of the Infant, and of the Effects which were inventory'd, and amounted to a very small Value. That *Piggot* was turned out of the Prison because he was discharged; and *Wilson* some few Hours confined in the strong Room for Drunkenness, and insulting *Bambridge* for his Civility to the *Holders* (the Uncle and Infant) by preventing his imbezzling the small Remains of those Effects.

THAT these are all the particular Facts, he hath been able to collect, that hath been complained of against him, either as to Escapes, loading his Prisoners with Irons, putting them in Dungeons, or destroying them; and he hath this Consolation to observe, that in the midst of so much Calumny, that he hath been industriously loaded with, none of these supposed Inhumanities are pretended to have been done by him for Gain. And all the Instances of Escapes alledged against him are not true in Fact; and as to the three Instances of the Prisoners in Irons, two of them were before he had any Concern in the Prison; and the Case of the third was solemnly heard before all the Judges of the Court of *Common-Pleas*, who, after a full Hearing, by Council on both Sides, refused to relieve Sir *William Rich*; declaring that what the Warden had done therein was lawful and justifiable.

THAT the said *Bambridge* apprehends it is the Duty of every Keeper to preserve the Peace within his Prison; because every Breach thereof, or other Disorder there, tends to promote Escapes, which are highly penal to him; and that in Cases of Riots, Mutinies, or other gross Misbehaviour, he may by Law justify putting the Ringleaders into strong Holds, and even into Irons; but when he does so, it is always at his Peril; and if it be without sufficient Cause, he is not only punishable in the usual Course of Law, as all other wrong Doers are, but he is punishable in a summary Way, at the Discretion of the Court to which he belongs.

THAT Prisoners in the *Fleet-Prison*, for the most part come thither not by Compulsion, but by a voluntary Surrender in Discharge of Bail, and thereby they in some measure stipulate to become true Prisoners to the Warden; and when he furnishes them with Rooms for which Rent is fixed by Act of Parliament, if it should not be in his Power to dispossess them for Non-Payment, he would be in a worse Condition than any other of the King's Subjects, as having his Property detained from him, and no Possibility of any Satisfaction for the Injury.

THAT in a Prison where are such great numbers of Prisoners, of whom the greatest part come thither for their Extravagancies, it would be impossible to prevent Escapes, Mutinies, Riots, Tumults, and other Disorders; if the Warden was not intrusted with a Power to restrain the Ringleaders, especially since he is in so penal a Manner answerable for the Consequences of them, and so frequently suffers by them; and it has been no new thing to put Prisoners of disorderly Behaviour into Irons.

THAT the said *Bambridge* hath heard of some general Complaints, that he hath encouraged Spunging-Houses to extort Money from Prisoners, and hath enhanced the Fees of the Prison; to which he can only answer generally, that he hath taken no Fees but the old establish'd Fees such as were not fraudulently but fairly, and upon great and mature Deliberation confirmed and settled. And that the Spunging-Houses are the same now as they were long before he was either Warden or Deputy; and that they are generally understood to be rather conveniencies than otherwise, no Persons being ever carried there but at their own Request, or untill room can be made for them in the Prison.

THAT he humbly hopes, that no invidious Reports of a few Facts tending to the preservation of the publick Peace of the Prison, and the Prevention of Escapes and Riots, by restraining of two or three of the principal Ringleaders, amongst so many hundred desperate Persons, (especially when not positively or particularly charged) shall be thought a sufficient Foundation to turn him out of his Freehold.

THAT he hath expended very large Sums of Money in the Repairs of the Prison, and by his Agreement with Mr. *Cuthbert* he hath but a Moiety of the Profits of the Office; and if this Bill should pass, he will have no Recompence for the laying out of such large Sums.

THAT in Case he hath been guilty of any the Offences for which His Majesty's Attorney-General hath Orders to prosecute him, he will upon such Prosecution be removed from his Office by due course of Law. That he desires nothing more than to put himself upon his Trial, as not doubting but that he shall be able to defend himself against any particular Charge that can be brought against him.

THAT he humbly apprehends, that the Prosecutions that are ordered, and are now carrying on against him, will render the Proceedings on this Bill intirely unnecessary: And therefore hopes it will be thought more proper to leave his Case to a due Course of Law, than to punish him by a Law made *ex post facto*, and to which he can make no regular Defence.

THAT he hath permitted no Escapes, nor hath been guilty of any Breach of Trust, or other Crime or Misdemeanour whatsoever, in the Execution of his Office. That if he hath done any Man any injury, either in or out of his Office, the Laws are open whereby he may be punished. And therefore he humbly hopes the said Bill shall not pass.

Delivered to the House of Commons
May 1729 when it was heard by Council
as the vote for incorporating him from his
out of his office. His attorney will now show
him to be charge but was fully proved, &
they were witnesses & answered every thing they
questioned in this case for his defence.

Mr. Bambridge's

C A S E

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Delivered by post on 1/2/2023